

NOVEMBER 2021 NEWSLETTER

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VACCINE MANDATES FOR FEDERAL CONTRACTORS AND EMPLOYERS

1. AWARDS:

Pozzuolo Rodden Pozzuolo, PC is proud to announce that Acquisition International's Legal Awards following dedicated research and merit based judging named the law firm the "Best Estate Planning & Elder law Firm 2021-Greater Philadelphia".

Pozzuolo Rodden Pozzuolo, PC is proud to announce that Joseph R. Pozzuolo, Esquire was awarded a "Customize Bronze Eagle Statute" by the Legal Eagles of America to recognize and acknowledge his hard work and outstanding reputation for honesty, integrity and strength in the legal profession.

2. BLOGS:

1. The following are a few of the business, tax, employment, estate planning and business litigation blogs posted on our main website www.pozzuolo.com during the past month:

- a. No-Poaching/No-Hire Agreement Between Companies Ruled Unenforceable;

- b. The Best Way To Transfer A Business Within The Family; and,
- c. Choosing A Retirement Plan.

Please visit our website www.pozzuolo.com for more information on these and other relevant business, tax, estate, business litigation and employment topics.

VACCINE MANDATES FOR FEDERAL CONTRACTORS AND EMPLOYERS

Vaccine mandates and/or requirements are ever changing and evolving at this stage of the COVID-19 pandemic. On September 9, 2021, President Biden signed Executive Orders (“Order(s)”) imposing the following requirements:

A. Government Contractors and Executive Branch Employees:

- 1.) All executive branch employees must be vaccinated;
- 2.) All employees of government contractors that engage in business with the federal government must be vaccinated;
- 3.) All covered contracts by government contractors going forward must include a clause requiring contractors and sub-contractors to comply with the Orders for the duration of the contract; and
- 4.) All new contracts entered on or after October 15, 2021 and contracts entered before October 15, 2021, if extended, must comply with the Orders.

Government contractors covered by the above Orders must keep in mind the following important dates:

- a.) October 15, 2021: All government contracts that were awarded before this date, but where the performance thereof is still ongoing and/or the contract was extended, the contract must include the clause regarding vaccination;
- b.) October 15, 2021: For solicitations between October 15, 2021 and November 14, 2021, the mandatory vaccination clause must be included in the solicitation;
- c.) November 14, 2021: All government contracts awarded on or after November 14 must include the mandatory vaccination clause;
- d.) December 8, 2021: All covered employees must be vaccinated by this date, unless covered by an exemption/accommodation. This means that the final dose of the vaccine must be received by November 24, 2021 (the corona vaccine takes 2 weeks to kick in). Guidance issued to date does not provide any information on what to do when government contractor employees do not comply with the deadline, but as of the date of this newsletter, it does not expressly require termination; and
- e.) December 8, 2021: All covered government contractors’ employees must be fully vaccinated by the first day of the performance period for newly awarded contracts

that are covered by the Orders. If a previous contract is extended after December 8, 2021 and the clause has been included in the contract, covered contractors must comply by the first date of the period of performance.

B. Country's Workforce:

Also, on September 9, 2021, President Biden made the announcement that vaccines would be required for a majority of the country's workforce. Specifically, the President directed that United States Department of Labor and Occupational Safety and Health Administration (OSHA) develop rules requiring employers with one hundred (100) or more employees to require their employees to be vaccinated or undergo weekly COVID-19 testing. Employers have been waiting for further clarity from OSHA on how precisely to implement the President's vaccine mandate for employers with one hundred (100) or more employees. On October 12, 2021, OSHA submitted proposed rules regarding the vaccine mandate to the Office of Management and Budget for review. As of the writing of this newsletter, OSHA has not issued an Emergency Temporary Standard (ETS) regarding this matter, but experts believe that since a proposed rule was submitted to the Office of Management and Budget for review, the proposed rule would be released to the public soon.

However, recently, several business organizations, labor unions, lobbyists, etc. met with White House Officials in the Office of Management and Budget. Many business groups are asking the White House to wait to issue the rules from OSHA until after the holiday season because they are worried about being even more short staffed due to a vaccine mandate.

As an aside, it is unclear at this time what role vaccine booster shots will have in the vaccination requirements for federal contractors and/or employers with one hundred (100) or more employees.

We will continue to monitor the status of the vaccine mandates as they develop in the coming months. We expect to publish another newsletter on the topic of vaccine mandates for employers with one hundred (100) or more employees once OSHA issues its ETS, as directed by the President's September 9, 2021 Order.

Please feel free to contact any member of our law firm if you would like to discuss whether the vaccine mandate is applicable to your specific business situation.

This newsletter is courtesy of Pozzuolo Rodden Pozzuolo, P.C.

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